

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ARIEL OLIVER, *individually and on behalf
of all others similarly situated,*

Plaintiff,

v.

NOOM, INC.,

Defendant.

Civil Action No. 2:22-cv-1857

Hon. William S. Stickman IV

ORDER OF COURT

AND NOW, this 22 day of August 2023, IT IS HEREBY ORDERED that pursuant to the Memorandum Opinion filed this day, Defendant Noom's Motion to Dismiss the First Amended Complaint (ECF No. 20) is GRANTED IN PART and DENIED IN PART. The Motion to Dismiss the First Amended Complaint (ECF No. 20) for lack of personal jurisdiction is DENIED without prejudice. The parties shall engage in jurisdictional discovery alongside substantive discovery. The Motion to Dismiss the First Amended Complaint (ECF No. 20) for failure to state a claim is GRANTED IN PART and DENIED IN PART. The motion is DENIED as it relates to Count I of the Amended Complaint and is GRANTED as it relates to Count II of the Amended Complaint.

BY THE COURT:



WILLIAM S. STICKMAN IV
UNITED STATES DISTRICT JUDGE